

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>ARTURO M. CISNEROS, #120494 NATHAN F. SMITH, #264635 MALCOLM ♦ CISNEROS, A Law Corporation 2112 Business Center Drive Irvine, CA 92612 Phone: (949) 252-9400 Fax: (949) 252-1032 Email: arturo@mclaw.org</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Chapter 7 Trustee, Thomas H. Casey</p>		<p>FOR COURT USE ONLY</p>	
<p><b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION</b></p>			
<p>In re: THOMAS BRUCE MILLER,</p> <p>Debtor(s).</p>		<p>CASE NO.: 8:21-bk-12653-SC CHAPTER: 7</p> <p><b>NOTICE OF SALE OF ESTATE PROPERTY</b></p>	

<b>Sale Date:</b> 06/27/2023	<b>Time:</b> 11:00 am
<b>Location:</b> 411 West Fourth Street, Santa Ana CA 92701, Via Zoom Teleconference	

Type of Sale: ☒ Public ☐ Private Last date to file objections: 06/13/2023

**Description of property to be sold:**

3121 W. Coast Highway, Unit D, Newport Beach, California 92663

**Terms and conditions of sale:**

“As is - where as”; Closing shall close as quickly as possible but not later than 30 days after Bankruptcy Court approval; Subject to Approval and Jurisdiction of the U.S. Bankruptcy Court. Please see contact information below for further details.

**Proposed sale price: \$ 1,600,000.00**

**Overbid procedure (if any):**

See Exhibit "1"

**If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:**

Hearing Date: June 27, 2023

Time: 11:00 am

Place: Via Zoom Teleconference

U.S. Bankruptcy Court

411 West Fourth Street

Santa Ana CA 92501

**Contact person for potential bidders (include name, address, telephone, fax and/or email address):**

Tim Smith

Smith Group - CB Realty

840 Newport Center Drive, Suite 100

Newport Beach CA 92660

Telephone (949-478-2295)

e-mail: tim@timsmithgroup.com

Date: 06/02/2023

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
2112 Business Center Drive, 2nd Floor, Irvine, CA 92612

A true and correct copy of the foregoing document entitled: **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* 06/02/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

OFFICE OF U.S. TRUSTEE: United States Trustee (SA) [ustregion16.sa.ecf@usdoj.gov](mailto:ustregion16.sa.ecf@usdoj.gov)

CHAPTER 7 TRUSTEE: Thomas H Casey (TR) [msilva@tomcaseylaw.com](mailto:msilva@tomcaseylaw.com), [thc@trustesolutions.net](mailto:thc@trustesolutions.net)

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On *(date)* 06/02/2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

JUDGE'S COPY: Honorable Judge Scott Clarkson, 411 West Fourth Street, Santa Ana CA 92701

DEBTOR: Thomas Bruce Miller, 3121 W Coast Hwy, Apt 8D, Newport Beach, CA 92663

☒ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** *(state method for each person or entity served)*: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

06/02/2023

Diep Quach

*Date*

*Printed Name*

/s/ Diep Quach

*Signature*

**SECTION 1 CONT.**

NOTICE: Anerio V Altman LakeForestBankruptcy@jubileebk.net, lakeforestpacer@gmail.com  
NOTICE: Arturo Cisneros arturo@mclaw.org, CACD\_ECF@mclaw.org  
NOTICE: Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com; goeforecf@gmail.com  
NOTICE: Nancy S Goldenberg nancy.goldenberg@usdoj.gov  
NOTICE: David M Goodrich dgoodrich@go2.law, kadele@wgllp.com; lbracken@wgllp.com;  
wgllp@ecf.courtdrive.com; gestrada@wgllp.com  
NOTICE: Sonja Hourany sonja.hourany@quinngroup.net, kadele@wgllp.com; lbracken@wgllp.com;  
shourany@ecf.courtdrive.com  
NOTICE: Michael Jones mike@mjonessoc.com, 2651971420@filings.docketbird.com  
NOTICE: Nicole Pelletier npelletier@sinclairbraun.com  
NOTICE: Thomas J Polis tom@polis-law.com, paralegal@polis-law.com; r59042@notify.bestcase.com  
NOTICE: Kevin S Sinclair ksinclair@sinclairbraun.com, ecfnoficing@earlysullivan.com  
NOTICE: Nathan F Smith nathan@mclaw.org, CACD\_ECF@mclaw.org;  
mcecfnotices@ecf.courtdrive.com; cvalenzuela@mclaw.org  
NOTICE: Sara Tidd sara@oclegalrelief.com, 2065435420@filings.docketbird.com

**SECTION 2 CONT.**

NOTICE: Nancy Calalihan, Realty One Group West, 27401 Los Altos, Suite 100, Mission Viejo, CA 92691  
NOTICE: Michael J Fitzgerald, FitzGerald, Kreditor Bolduc Risbrough, 2 Park Plaza Ste 850, Irvine, CA  
92614  
NOTICE: Hahn & Fife & Company, 790 East Colorado Blvd 9th Fl, Pasadena, CA 91101  
NOTICE: Tim Smith, The Smith Group - Coldwell Banker Realty, 840 Newport Center Dr Ste 100,  
Newport Beach, CA 92660

EXHIBIT 1

**THE REQUESTED OVERBID PROCEDURES SHOULD BE APPROVED.**

1. In order to obtain the highest and best offer for the benefit of creditors of the Estate, Trustee proposes that the following overbid procedures be approved. Notice is being provided of the opportunity for overbidding to all interested parties in this matter.

- a) Only Qualified Bidders may submit an overbid. A "Qualified Bidder" is one who provides a financial statement, credit report, and such business and banking references as are required in Trustee's reasonable discretion, sufficient to assure Trustee of the bidder's ability (based on availability of financing, experience or other conditions) to consummate the purchase of the Property, and one who can consummate the purchase of the Property on the same terms and conditions, other than price, as those proposed in the Offer.
- b) Each bid must be received by Trustee and his counsel no later than 2 business days prior to the hearing.
- c) The initial overbid must exceed the Offer by a minimum of \$20,000. Here, the first overbid must be at least \$1,620,000. Each subsequent bid must then be in increments of at least \$5,000. For instance, the first subsequent bid must be at least \$1,625,000.
- d) Each bid must be non-contingent, and on the same terms and conditions, other than price, as those proposed in the Purchase Agreement.
- e) Each bidder must match all terms and conditions of the Offer. Thus, an "earnest money" deposit of at least \$48,000 must be made. Said deposit must be received by Trustee 26400 La Alameda, Suite 210, Mission Viejo, California 92691 no later than 2 business days prior to the hearing. Said deposit must be in the form of a cashier's check or certified check.
- f) Should a bidder fail to qualify for financing or timely close escrow, the \$48,000 deposit is non-refundable. However, in the event that an

overbidder becomes the successful purchaser, Buyer's deposit will be returned to Buyer.

- g) In the event there are no overbids received by Trustee, Buyer shall, subject to Court approval, be deemed the successful bidder, and the Estate's right, title and interest in the Property shall be sold to Buyer for the sum of \$1,600,000, as is, where is, without representations or warranties.

2. The foregoing procedures will provide for an orderly completion of the sale of the Property by permitting all bidders to compete on similar terms, and will allow interested parties and the Court to compare competing bids in order to realize the highest benefit for the Estate.

3. Implementation of the bidding procedures is an action outside the ordinary course of business. A trustee "after notice and hearing, may use, sell or lease, other than in the ordinary course of business, property of the estate." § 363(b)(1). Furthermore, "[t]he court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title." § 105(a). Thus, pursuant to sections 363(b)(1) and 105(a), this Court may authorize the implementation of overbidding procedures